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# OBSERVATIONS

PRELIMINARY TO A

PROPOSED AMENDMENT

OF THE

POOR LAWS.



# OBSERVATIONS

PRELIMINARY TO A  
PROPOSED AMENDMENT  
OF THE  
POOR LAWS.

ADDRESSED TO THE MEMBERS OF THE  
TWO HOUSES OF PARLIAMENT.

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BY WILLIAM YOUNG, ESQ. F.R.S. & M.P.

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## O B S E R V A T I O N S

P R E L I M I N A R Y T O A

### P R O P O S E D A M E N D M E N T

O F T H E

P O O R L A W S.

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#### S E C T. I.

**H**OWEVER considerable hath been the ability, and however zealous the benevolence of Gentlemen who of late have undertaken a Reform in the Poor Laws, we have yet repeatedly seen their plans abortive in the very outset, or in the course of discussion rejected, or in the execution found to be impracticable or inefficacious.

The cause of failure seems to have been, that those Plans, most general and extensive as to the immediate matter in question, have yet severally been framed under too narrow a consideration of the subject in a relative point of view. They have not fully comprised its connections, and its bearing on the very important points on which it must touch, and have a direct and forcible influence; namely, on the Population, the industry, the virtue, and the happiness, of the Community at large.

Whilst the matter hath been treated as detached from the general system of state, and as a concern distinct from circumstances of our old habits, or of our new manners, together forming a national character; each scheme of innovation hath shocked in some quarter our understandings or our practice.

Thus whatever hath hitherto been proposed as reform hath seemed tending to anarchy; and whatever adduced as amendment,

ment; hath been justly feared as pregnant with general revolution.

Under such view of late projects of reform in our Legislation for the poor, and under due consideration of the abilities with which in various shapes they have been pressed upon us, we cannot but regard it as fortunate that in the impracticability of each scheme there hath been a resource of successful opposition. Difficulties incident to the very subject ever have frustrated, and I trust ever will frustrate, the purpose of those who attempt a sudden and general change in what hath such immediate concern with the constitution of the Country.

In a system of Government, as is ours, matured by a succession of great wisdom and of great events during many ages, every part is interwoven and complicated.

The part of our Legislation which regards those commonly called the Poor, in other words, regards the bulk of the Com-

munity : from the well ordering and the well employing the menial classes of subjects, are derived the national character and public wealth, the freedom and the power of Britain !

Let the Projector, who would introduce an immediate and general change of system respecting so great numbers of the people, reflect that the energy of the government of the country, its police, its power in arms, its manufactures, its trade, its revenue, are all dependant in some way or other on what he is to abrogate, and on what to propose !

Let him consider how deep a knowledge of our constitutional practice and of its theory, as connected with a particular national spirit, and with the general feelings and minds of men, is necessary to the statesman who embarks in an undertaking such as his, were the necessity of his measure obvious and even undoubted.

I feel

I feel not less unwillingness, than insufficiency of abilities to engage in so wide a field of enterprize, for I foresee the dangers, and I perceive not the necessity, of so compendious innovation ; and surely nothing less than the most urgent necessity can warrant any experiment which may be most fatal in the result. Further it is necessary, nay it is but decent, to previously advance strong argument for rejecting either the principles or the means, which the aggregate wisdom of our forefathers hath suggested in their Legislation for the Poor.

Such good and sufficient argument I have never heard.

Says Blackstone, alluding to the famous act of the 43d Eliz. "The further any subsequent plans have departed from the original institution, the more impracticable and even pernicious, their visionary attempts have proved." The spirit of the act above cited, in relation to the poor is—to tender means of sustenance to the industrious, and thus to draw a line between them and

those who are slothfully and wilfully out of employ. Early as by the 23d of Edward III. penalties were imposed on the sturdy beggar. The act of Elizabeth took away the imputation of uncharitableness which might be affixed to the Law, ere it afforded means of discriminating the good man wanting employ, from the bad man disclaiming it.

General policy might have further influenced Lord Burleigh, and other great Statesmen of his age; and have dictated a law which was more intimately to connect public wealth and power with population, and to make the riches and force of the state keep a just pace with the numbers of its constituents.

In blame of the good old Law it hath been urged, that it hath ultimately not proved effectual. Admitting, in a certain degree, the fact, it may be useful to ascertain the cause, which briefly may be stated in the observation—that whilst the principle

ple of the act is good, its provisions for enforcing that principle are incompetent. Other Laws have thence successively been framed in aid of the 43d of Elizabeth, and, from inadvertence to the cause which hath most strongly impeded the operation of that act, have proved equally inadequate.

As the amending, or rather the enforcing, provisions of the 43d of Elizabeth, will constitute part of my plan, it may be proper more particularly to advert to one primary cause of its failure. To provide utensils and raw materials in the first instance requires large expenditure, to be repayed by small installments, and present loss for future advantage. The balance of large expenditure and present loss must ever generally preponderate in ordinary minds, and in a vestry of tenants on short leases may have great weight, supposing them justly to appreciate the relative advantages of present and future interest. A further cause of failure in the provisions of the Law alluded to, is, that much is left to dis-

discretionary management, under no legal controul, and under no invariable natural *influence*, and that management is not less dependant on the zeal which *self-interest* can alone inspire, than on the abilities and integrity which nature shall have bestowed.

These observations, drawn from a view of the tempers and minds of men, apply to every subsequent act framed in the same purity of principle, and in the same imbecillity of provision.

Other acts for the support of the aged and impotent poor, for the provision and for the apprenticing of youth, for the disgracing and even punishing the idle, for regulation of settlements, and for the restraint of vagrancy, have been passed in conformity with the act of the 43d of Eliz. and some of these acts contain, what all should contain, namely, provisions for enforcing their due execution. Yet the industrious poor are often out of employ and in need, the slothful have countenance and support,

support, vagrancy is common, and every calendar of assize gives proof of the enormities of crime which originate in the idleness, vice, and necessities of the lower people. I need scarcely add that the parochial rates have swelled to a bulk which must shortly operate as an incumbrance on the finance of the country, preoccupy the grounds of state revenue, and even weaken the posts it at present holds.

These evils seem of late years to have had a most dangerous and rapid increase; and it is allowed by all—that political intervention is become absolutely necessary to the safety of the state.

Having deprecated a change of system, a revision, amendment, and strengthening of the ancient system is the alternative I adopt. If in any case I should go somewhat further, it would be to bend and adapt it to the vicissitudes of manners, of intercourse, of arts, of trade, and of policy, which in the course of ages have imperceptably

perceptably gained footing within this country, as they ever will in a great nation, progressive to the summits of splendor and of refinement.

The circumstance of an increase of the poor rates within England and Wales, in the short period of nine years to amount of £. 474,458, hath called the attention of the public to this great subject. It is indebted for that important call to the persevering benevolence, and most laudable and unremitting industry of Mr. Gilbert. Whatever invincible objections I may have to the plans of relief which that Gentleman hath brought forward, I do but justice to him, and to my own feelings, in paying a tribute of veneration to the philanthropy and to the zeal, which hath at least roused the sense of public interests and charitable duties to actuate those who may be more happy in attainment of the general purpose.

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The great increase of poors rate in itself an intolerable and dangerous burthen, implies other mischiefs of greater concern to the state, than the mere subtraction of the public wealth, and aggregate income to so large amount.

The poor, who form the additional burthen, are the poor occasionally out of employ, and to such degree are so many subjects lost to the state, in the view of agriculture, manufacture, and trade.

The poor occasionally out of employ, from idleness imbibe the habit thereof; from idleness originates vice; and from vice, crime.

Depraved morals, and vicious indolence, reciprocally give birth the one to the other, and then re-operate to excess.

These evils are by many placed to the sole account of imperfections and deficiency in our laws. Were it necessary to my purpose,

pose, it might be easily proved, and to the disgrace of higher ranks of men, that there is other origin of the mischiefs. To discuss an estimate of manners, is foreign to my undertaking ; but it may not be irrelevant to hint that the efficacy of laws must ever in a certain degree depend, not less on the example than on the vigilance and integrity of those who are entrusted with the executive departments.

On careful revision of the statute-book, I do not find much to amend, to add to, or to repeal ; and, in conformity with the principles stated in the beginning of this essay, I shall most cautiously avoid such alteration, as might eventually affect the general system and code of poor laws.

I am neither so visionary, nor so self-sufficient, as to suppose that what I have to offer is either perfect in itself, or competent to a redress of all the grievances complained of : but I would not presume to offer it, did I not think, and strongly feel, that it

would have much good effect in promoting industry, and all the advantages of domestic virtue and happiness, and of public force and wealth which industry can afford ; that, by inculcating habits of labour, and views of honest independence, it would create even disgust at the state of idleness, whence the rapid to every vice, and to every enormity of crime, is too strong for negligence and indolence to resist the descent ; and that it would check vagrancy, whether occasioned by dereliction of domestic duties and regard, or by the fears of punishment, or by the prospect it opens of depredation ; and lastly, that it would diminish the immediate burthen of parochial rates, which hath more especially attracted the notice of Parliament.

I shall avoid every part of the extensive subject under consideration, but such as affords immediate inference, and argument for some clause in a Bill I shall have finally to propose.

Under strong impressions of how able and enlightened are the persons whom I address, I shall, on such points as it may be necessary to discuss, deal rather in hints and mere heads of subject, than enter into a series of pursued and logical deduction. If I leave much for my readers to fill up, it is not from indolence—it is from diffidence on my part, it is from respect for, and confidence in them.

## SECTION II.

THE progress of manners, the growth of arts and of luxuries, the facility of communication with the capitol ; and, consequent to these, a partial direliction of country residence, the consolidation of farms, and the practice of enclosures, have within this century each and together operated in effecting a Revolution in our System of Labour and Industry, which the Code of Laws relating thereto should follow and keep pace with. A short detail of these subjects will, I trust, render the inference clear and satisfactory. I shall treat most concisely, and in a most partial view, the subject of “ Progress of Manners.”

At the period of the Restoration the gloom of fanaticism suddenly gave way to the glare of libertine court manners ; the transition was from extreme to extreme ; but it had immediate effect merely within

the narrow circle of the court. It had not the great and splendid city of Westminster we now behold to work upon ; and it was soon checked by troubles and disaffection to the government within the metropolis of London. The Revolution, 1688, gave new health to the mass of the community, and so invigorated its best principles of conduct and practice, that they might, to a very distant period, have resisted the fascinations which a spirit of vanity or of dissipation might partially display. But in queen Anne's reign refinements and luxuries were more forcibly, though gradually, disseminated by literature and the fine arts. The spirit of scepticism, with the attainment of knowledge ; the taste for elegance, with the tender of refinement ; the turn to voluptuousness, with the prospect of delicate enjoyments ; the vanity of splendor, with the subministration of arts ; and generally a proneness to change, with occasions of changing ; are combinations which the history of every people warrants my terming general, and applying to the immediate subject.

The scene of general intercourse (that is, the scene of a great capitol), is the spot on which all these connections of requisition and of service appear in the strongest and most attractive light, either to those who seek pleasure, or to those who seek profit. A more general resort to the capitol quickly had effect. To accommodate and feed the growing lust of new pleasures and new interests became soon an object of state-policy. From views to the superlucration of commerce and of revenue, the spirit of Legislation bent to the temper of the times, and opened a more ready communication between the country and the town.

Road acts have succeeded road acts, to facilitate the migration from every part of the kingdom to this great city within half a century, swelled to nearly twice its original bulk ; whilst increasing trade, revenue, and establishments, have superadded inducements to every enterprizing spirit to avail itself of the means of engaging therein.

The vain and wealthy have attracted the needy and ingenuous : the idle and the busy have united from all parts to form the concourse. The operation of such general concourse on the manners of the people at large, is a subject too well understood to need exposition at the present moment. The immediate deduction to my purpose, and which I wish to enforce the consideration of, is—“*a partial dereliction of country residence.*”

To this other circumstances have conducted, which partly may be deemed necessary consequences of the foregoing statement, but which generally may be placed to account of extraordinary occurrences and situations, which ever give the strongest characteristic of diversity to the history of a free and commercial nation.

The sudden accession of wealth from our Eastern dominions ; the influx of great individual fortunes from our colonies in every quarter ; the general successes of those in trade,

trade, and the accumulation of some from project, and of some from peculation during the necessities and many wars of this country, have roused all the passions of acquirement and of expence. The spirit of vanity and of avarice hath urged on gain and dissipation in so equal race of competition, that it hath been difficult to ascertain, which hath the greater speed or force. Each individual hath seemed anxious to outstrip his proper class. Each person is thus at the same time subjected to greater private expence, whilst the progressive incumbrances of national debt, and pressure of taxes, charge his encreased expenditure with a proportional burthen on account of the public.

The country gentleman having passed his winter in the capitol, cannot afford to pass his summer in the once hospitable mansion house of his family : a journey or a watering-place is his resort : and thus the income of an estate is in many cases wholly lost to its district. In the result, the em-

ployment of the day-labourer is shortened and narrowed, and the voluntary aid due from the rich to the poor is further subtracted. Much of plantation, of fencing, and of the various improvements by which the landlord sought to avoid the *tædia vitæ* during winter, and in the spring and fall of the year, are no longer in the same extent grounds of support to the day-labourer, nor has he the satisfaction of bearing home to his numerous family the offals which hospitality of old superadded to his earnings. The poor peasant is further affected in consequence of the extravagance of the Lord of his village, who plans and executes by advice of his attorney, and pressed by his necessities or by his avarice, “*a consolidation of farms.*”

Small farms are the intermediate steps to competency, and to wealth for the industrious labourer. They hold out a motive at once for his caution and for his enterprise: they are a spur to his industry, and the attainable gradations of success, which

which they afford to the young peasants fair hopes, are not more incentive to his labour and œconomy than eventually to his morals and good conduct.

The consolidation of farms precludes the labourer's expectations of raising himself in the world ; for the large farm is beyond the little stock which all his care and labour during life can provide. With his hopes, his industry sickens ; his labour is that of wretchedness and discontent ; and thus his exertions (if exertion it can be called) are feeble, on the first repulse from sickness or need are given up, and he ultimately in despair falls a burthen on the parish, or, in flying from it, becomes a bane to the community.

Other details of the subject will shew the bad effect of consolidation of farms in a stronger point of view, as more directly connected with the increase of poors' rates.

Under the present system of dissipation every patrimony is to be stretched to the utmost : the landlord, who used to live with, know, and assist his smaller tenants, having them out of sight, hath them out of mind, and only considers that small farms have small houses requiring frequent repairs ; that small farmers may not always be punctual in payment of rent ; and that an accident or sickness may occasion a partial loss. A remedy offers, and in the spirit of avarice or of necessity he seizes it : of ten small farms of £. 50. *per ann.* he pulls down nine houses, and lets the remaining one, with £. 500. *per ann.* to some wealthy man, who is able to procure collateral security for the punctual payment of his rent. The ten farms supported ten farmers, and a statute servant and boy to each team, in all thirty persons. The farm of £. 500. *per ann.* supposing the same land, may need at the utmost fourteen statute servants. Thus fifteen persons are deprived of a support which is constant, and are added to the class of day-labourers, that is to a body of

of men, who are at work occasionally, are often out of employ, and must at times be a burthen on the parish.

The avidity of encreasing income hath further suggested the means by "*Enclosures.*"

I allude not to the enclosures of arable common fields, which for the most part are beneficial, considered either as to the interests of the landholder, the advancement of agriculture, or the employment of the people. It is the appropriation of wastes and commons which I more particularly advert to the effects of. It hath been stated by many writers on the subject, that wherever a country parish hath much common or waste within its district, the parochial rates have been proportionally heaviest. The more fair and accurate statement would have been, that in whatever country parish the district of common or waste is most extensive the *population hath been the greatest*. The poor naturally resort to situations which

which may afford them assistance, and give them a kind of property or estate in aid of their labour; to feed a cow, a porker or two, or at least some geese and poultry, is a matter of essential use to them.

If from causes abovementioned, the grounds of the cottagers employment have been narrowed, their labour become more occasional, and their earnings more precarious, and thence the poors' rate increased; the reasoning on such premises for enclosure goes to prove that our labourers, or rather that our people, are more than we have need of, and the tendency of the argument is to evince the utility of depopulation. Any exemplification of the relative weight of parochial taxes in districts, wherein the commons or waste lands are extensive, should be admitted in favor of enclosures with due caution and reserve; for if the burthen is that of numbers (as I consider it to be), the alternative, equally impolitic and absurd, is that of taking away the grounds of support already too scanty, or  
that

that of lessening the numbers of the people in order to diminish the poors' rates.

The following extract from the table of enclosures, printed in the report of the committee of Common Council of the city of London, appointed to investigate the causes of the high price of provisions, will warrant both the premises and inference I adopt.

The extract is of every enclosure during ten years, within the county of Buckingham.

In	Parishes.	Acres enclosed.	Poor Rates, 1776.	Poor Rates, 1786.
1776	Hartwell, -	1740	£. s. d. 53 18 11	£. s. d. 82 19 5
	Ludgerhall, -	1800	131 2 5	229 14 11
1777	Hardwich, -	1200	34 18 10	72 14 10
	Hanslop, -	1900	381 1 4	595 9 5
1788	North Marston,	2000	109 4 0	319 3 0
1781	Preston Biffet,	1010	46 10 6	184 19 6
Total of Six Parishes—		756 16 1	1485 0 3	
Total Co. Bucks,		31,745 16 0	45,340 0 3	

Thus

Thus whilst the aggregate rates of the county have increased only about one third, the rates of those parishes, wherein enclosures have been made, have increased about one half. This is to be accounted for alone by the pressure of the ousted cottager on the parish, in default of the aid and subsistence he formerly derived from his situation, and from the numbers of the labourers exceeding the demand for their labour.

*The Result* of the above observations respecting the progress of manners, the partial dereliction of country residence by the great landlords, the consolidation of farms and the system of enclosure, is, that much of the ground hath slipt from under the agricultural labourer; that of late years there has been less constant demand and reward for his industry; that various contingent means of subsistence have too been withdrawn; that his indigence hath hence been greater, his hopes less, his exertions more feeble; that in wretchedness he hath become

become despondent and slothful ; and, lastly, in desperation hath become vicious and criminal. Hence hath arisen much of the misery and much of the depravity which we complain of ; and hence the addition of burthen to a final amount of more than two millions levied in poors rate.

To attempt any sumptuary institutions, or restrictive laws, which would strike at the matured manners, and rooted habits, practice, and interests of men, would be visionary in the extreme. In those very manners, practices, and interests, to seek out redress to the mischiefs which they have originated, has been the subject of my investigation ; and fortunately the redress hath been too obvious for me in any degree to plume myself on the discovery.

If the progress of manners hath alienated the disbursements of patrimony from the country village, it hath dissipated them in the towns. If some husbandmen have lost employ from a direliction of country residence,

dence, many manufacturers and artizans, and many merchants with all their train of clerks and dependants, have gained employ. The consolidation of farms (thus worked by fewer hands) hath perhaps obviated enhancement in the price of provisions. Under the enlightened and opulent farmer, the art of agriculture hath been extended through project and experiment; and the earth hath been rendered more productive: more food hath thus been found, and more cheaply found, to feed the encreasing numbers who have resorted, or who may resort to manufacture and trade, in default of the old grounds of landed interest, whereon to support themselves.

It may be admitted, I think, that the nation hath become from year to year more commercial, and that such tendency continues to operate. I could prove it incontestably, but that I doubt not the assumption of fact being granted.

Under the pressure of national debt, and consequent taxes, happy is it that the nation is becoming more commercial! Manufacture and trade can alone support us under, or relieve us from, the burthen which would crush any other nation, however great or powerful, in the known world. Whether we consider our insular state, our established marine, our stock in trade to set out with, and the persevering spirit of our people; or whether we advert to the conciliatory and enterprizing genius of our government, as applying to the countries we trade with, and as at once inspiring, and availing itself of, their confidence; with exultation I affirm, that the most sanguine speculatist can hardly imagine bounds to our population, our manufactures, and our trade!

Let us avail ourselves of our manufactures and trade, and tender such grounds to all who are found to be supernumerary in husbandry and its contingent occupations. Let us further give encouragement to such

as are engaged in any art or handicraft ; and, above all, let us not repress ingenious application to the means of honest livelihood, wherein the profit is shared between the individual and the state ; let us not, on the speculations or mere caprice of a parish officer, permit the forcible removal of an industrious man from the proper site of his industry ! This is the first proposition which I mean to be the ground of a clause in an act of Parliament.

## S E C T I O N   III.

**T**H E most objectionable practice under our present poor laws, is the removal of able and employed manufacturers and others, *likely to become* chargeable, to settlements long since quitted, and where the parties having no call for their respective trades, from a general benefit become a partial burthen.

They go from a place which hath sometime benefited by their work, and received their earnings in various expences of livelihood, and which ungratefully chaces them from its bosom, on apprehensions of incurring a charge on their account, which too often have no foundation but in the caprice, or partial ill-will of the parish officer. In other cases these poor men are ousted from their residence on the less depraved views,

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but

but not less impolitic speculation, of encrease of family, or even of encrease of credit and good circumstances, by which, if not hastily removed, they might rent premises, pay rates, and acquire a settlement. Thus the principles of national population and wealth receive at once a check !

They go from a place which they have chosen to reside at, because it is a place where their trade and workmanship is in request, and from which they might continue to derive self-support, to the birthplace of themselves, or perhaps of a father, where there may be no demand for their respective calling or art, however useful or ingenious in itself, or however industrious those who exercise it.

Lastly, they go from old acquaintance and connections to a place where they may have been long forgotten, where their miseries of absolute need must be aggravated by a kind of solitude, and where they are deprived even of that consolation in

in wretchedness which the language of habitual kindness and attachment might bestow.

To those not conversant in the practice of a justice of peace within opulent and trading districts, it may seem strange to hear of the vigilance of overseers, intent on removals idle and vexatious, as of a whitesmith from Birmingham to the isle of Lundy, or of a cottonweaver from Manchester to a desolate parish in the New Forest; on the sole grounds of encrease of family, and the contingency of its requiring future relief: such persecutions however are frequent. The consequences of detriment to the state, of partial burthen to a parish, and of danger as well as of loss to the community from the depriving an individual of the means of honest livelyhood, and of educating his family to his calling or trade, are all obvious in shapes of the very mischiefs of the day, and which are so justly and loudly complained of.

The same considerations which have had influence on the extent and nature of the amendments which I shall propose, equally have weight in the arrangement of their form and matter.

Our laws are become so numerous, and our legal interpreters so discriminating and acute, that we cannot be too cautious of weakening precedents of decision, and of setting the doctrines of the courts of law again afloat. The implication of new words, and of new provisions of statute with the old relations of law, may open a wide field to professional casuistry ; and is a subject of difficulty and hazard, requiring that in each case we should touch the fewest points necessary to our undertaking, and that we should touch those few with care and reserve.

In obviating vexatious removals, I would avoid all interference with the laws respecting certificates, as involving every question of settlements, and as too cramped and restric-

restrictive in their operation. From primary error in the institution, the practice of certificates has been losing ground of late years; and, on nearer regard and scrutiny, the very spirit thereof is liable to objections on the grounds of injustice and of ill policy \*.

Not in any way reverting to certificates, and avoiding thereby every incidental institution, with which they are encumbered, I shall have free scope for the operation of the principles I have adopted.

Leaving each manufacturer resident in an alien parish, liable to removal in case of becoming actually chargeable, his spur to industry will be quickened and more strong in proportion to the benefits which he derives from his situation; the not encumbering his servants and apprentices by restrictions as to settlement, will give him the expectations and the powers of extend-

\* 3 Will. III. c. 30.

ing his trade and circumstances; and the leaving an opening for the manufacturer in the ordinary way to gain a settlement where he resides, is a debt owing him from such parish or town wherein he works, in retribution for the benefits derived from his past labours and expenditure.

The first clause of the bill which I shall have to propose, will enact, *That no person, having visible means of livelyhood, shall be removed from any parish or township wherein he shall reside, unless that he shall have actually become chargeable to such parish or town, provided that, on the requisition of the parish officers, he shall before a magistrate duly attest his place of legal settlement, in which case a duplicate of such attestation shall be given him properly authenticated by the magistrate and parish officers, the original to be by them retained.* An exception to this clause must be framed in regard to women pregnant with bastard-children, unless the legislature should think proper to adopt the proposal of the worthy member for Devon, that

that in future *bastard-children* should be settled with the mother.

The preventing vexatious removals would not only take off a cramp from our various arts and trades ; but would call forth ingenuity and industry from every quarter to its proper site and field of occupation. Having once allured it to such situation, it would give it further vigour and zeal. For the mechanic who hath dwelt, and formed domestic connections in the place wherein he works, will seek to preserve his establishment. His situation will be at once necessary, and endeared to him. His utmost exertions will thence be made, in the business which he professes, to preclude the circumstance of becoming chargeable, and under which alone he might be removed from a parish to which he is not less attached by social engagements, than by the encouragement afforded to his industry.

Yet as ordinary minds can rarely appreciate distant evils, and duly provide for the

contingencies of calamity and sickness by laying up wherewithal to defray the incidental charges, should the misfortune occur; I have a secondary plan in view, and the novelty of the subject of which requires a bill apart—entituled an act “*For the better establishing, incorporating, and well ordering of certain voluntary associations, for the purpose of mutual relief in cases of sickness, or other calamity.*”

In the framing of this bill I have strived to establish all the advantages of friendly societies, and to preclude all the mischiefs incident to them.—The chief clauses of the act go to incorporate ; to leave the framing of bye-laws to the associators ; to subject those bye laws to the superintendance of magistrates ; to give the magistrates such further authority as may obviate vexations “*quo warranto* ;” and the interference of pettifoggers in law ; to prevent conspiracies for enhancing wages ; to secure their stock and funds ; to provide for the due execution of their bye laws ; and, to give the poor

poor artizan or labourer inducement to associate and subscribe.

Among the advantages to be derived from the affording a legal establishment to the existing societies, is the collateral one of drawing into circulation all the dead cash now hoarded up from the insecurity of loan by the several societies or clubs ; the sum of which is by no means inconsiderable, even in a national point of view.

It may be observed, that the above part of my plan preventing removals where the parties are not actually chargeable, cannot afford a provision for all the supernumeraries which I stated as the burthen of our agricultural districts. Let it, on the other hand, be considered, how many mechanics, and others proper for menial subministration to manufactures and trade, under the rigid doctrine of settlements and vexatious removals, are locked up, as it were, in places where they are unprofitable day-labourers, and who will gladly avail them-

themselves of the means given to establish themselves in their vocation. It may be further observed, that, so far as relates to districts of trade and manufacture, the plan will not only have immediate effect on those grand objects, but moreover in taking off much of the burthen of poors rates, by voluntary associations for relief, which, under every disadvantage of illegality, are numerous, and which, with encouragement of the legislature, must become general and efficient.

Moreover, the encouragement, which the view of favourable situations and opportunities holds forth, may operate forcibly and quickly on the minds of our poor youth, and rouse ingenuity, industry, and the love of honest independance, with all their concomitant advantages ; for the rise in life within agricultural districts, precluded by a consolidation of farms, will render arts, handicrafts, and trade in general, more attractive to the industrious and ambitious.

Thus

Thus the gradual increase of demand for our manufactures and freightage may, under this plan, have a suitable increase of artificers and mariners to keep pace with such demand.

Such are the grounds on which the first amendment, and its collateral Bill, are founded.

## SECTION IV.

HAVING in a first clause of the previous Bill amended and altered the existing Laws so far as to prevent removals, unless in cases when the Parties are *actually chargeable*, my next object is to add a second clause, preventing the practice of *farming the maintenance and employment of the poor of a parish to the master of a workhouse.*

This practice, the most pernicious either in view of police or of poors' rate, hath in many parishes of many counties been adopted under (in my opinion) a perverted construction of the 9th of Geo. I. cap. 7. *so much of that act as seems to warrant the above practice I shall propose to amend or to repeal.*

To engage the attention of the legislature to the necessity of such amendment, I shall briefly

briefly state the mischievous tendency of the practice. A reform thereof is essential to my plan, as it may tend to regulate and provide for the numbers necessary to agriculture, and whom the calls to manufacture and commerce may not, and indeed should not, reach, but leave stationary in their country villages.

*Farming the Poor*—is a surrender on the part of overseers of the management and care of the able as well as impotent poor to some contractor, who, for a stipulated sum, engages to employ and maintain all the poor, constant or contingent, in the workhouse of the parish, but not any out of the said workhouse. Supposing the terms of engagement not to be incumbered by such restriction, the result is yet the same; for, having a general power as to the mode of relief, from partial convenience and profit in a common residence and a common diet, the contractor makes the specific terms with each pauper, which he neglected to do with the overseer.

The contract being signed, the parish officers think themselves exonerated from every duty of office; and when a poor man casually out of employ applies for relief or work, they send him to the contractor or master of the poor-house, who hath neither means to employ him, nor influence nor leisure to procure him employ. The contractor cannot afford, or will rarely give, a small intermediate stipend, whilst the labourer is himself in search of employ. The contractor, as a condition of relief by food, ejects the man and family from his cottage; and brings them to the workhouse, where the helpless and the hopeless encrease misery to desperation. Indolence, a carelessness of life and character, and progressively a loss of feeling for the little wretches who no longer look to him for support, oppresses and vitiate this poor man's heart. Finally, he leaves his wife and children a lasting burthen on the parish, to go—he knows not whither; to do—he knows not what.

The overseer, having made his contract for the year, cares not how many he sends to the poor-house; thence the contractor, overburthened, may too often connive at the petty larcenies of his poor for supplemental support: in the woods and turnep-fields are the forsaken children educated!

I have ever found the character of one any time resident in a workhouse to be considered as contaminate, and his service to be rejected as unprofitable, if not dangerous: the farmer thence often prefers that of a stranger who hath no settlement in the parish, and who is so hired as to evade one. Then, in the first instance of calamity or sickness, a removal ensues, and the burthen of the poor's rate for law proceedings increases, as likewise on account of the family removed.

The contractor finding that the supineness or wanton disregard of duty in the overseers of the year passed hath filled his house

house with able poor (thenceforward disabled by habits of idleness and prejudice of character) raises annually his terms of contract. Increase of the poors' rate is thus progressive, and is but a barometer to note increase of misery and of crime, of the mischiefs of vagrancy, and of a direliction of the best duties of domestic union, a fostering the offspring, and an education to mutual benefit and support from labour.

Even the care of the aged and infirm, or of orphan or forsaken children, should not be farmed. Let it not be made matter of contract, but let us have to think--let us have to feel, whether we should eject the old labourer from his ancient cottage, in which his embers of industry, fanned by the proud breath of independance, and sustained with the vigilance which local attachment inspires, may be satisfied with little aid of fuel. A trifling stipend of alms may be sufficient to support him who is willing, though not wholly able, to support himself. To afford that stipend, is at once the strictest Parcimony, and the Noblest Charity.

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As to the aged, infirm, and helpless, to whom the poor-house should be an asylum, wherein a life of labour may be closed in comfort and with peace and piety, what overseer, what justice of the peace, what minister of the church, can barter away the indispensable duties of immediate attention to their wants and happiness ? In regard to orphan and forsaken children, the care and superintendence of them comprises their religion and morals, not less than their maintenance and industry, and should least of all be farmed out to a contractor, who must be something different from ordinary contractors, if he has any care—but of how much he gains by them. How much of this gain he looks for from grinding the poor, the cries of wretchedness from every poor-house proclaim ; how much from progressive exorbitancy of his demand on the poors' rates, the return of those poors' rates will prove ; how little from the industry of his poor, that column of the return to parliament which denotes provision of raw materials will generally demonstrate.

I shall propose a repeal of so much of the 9th Geo. I. cap. 7. as seems to warrant the practice of *farming* the maintenance and employment of the poor.

The master of a poor-house or work-house should be on salary, and under controul of his employers. The poor-house, moreover, should be set apart for those who from age, infirmity, or extreme youth, cannot work at all, or cannot work without help or direction.

In calling back the overseers, or such of the overseers, in different parishes, as have contracted for the execution of their duty, to their immediate office, I shall serve the public and the poor.

Many worthy farmers, and some few within my own district of magistracy, will not much thank me for forcing on them the troublesome office of doing their duty : but when obliged to do it, I know they will do it well, at once from interest and from

feeling : for they will employ those whom they must support whether they employ them or not ; and when misery repeatedly knocks at their door they will see, and will relieve it, when so near, though little affected by the object, when applying the medium of a contract to view wretchedness on a distant common. Moreover, there is no fear but that œconomy will go hand in hand with liberality, whilst petty disbursements draw the overseers attention to every detail of expence, and the propriety and necessity of each charge are made subjects of his hourly consideration.

## S E C T I O N V.

THE parochial taxes, in situations of trade and general concourse, appear particularly heavy and exorbitant. Great numbers are not so easily inspected, and their relative wants and pretensions ascertained. The regulation and œconomy of their management demand more than ordinary activity and address, whilst the very magnitude of the concern is not less a temptation to peculation and malpractice, than an excuse for dereliction of duty. Unless we can pass an effective act, "for general virtue and wisdom," I fear these evils are not in their full extent, and in every point of view, capable of redress.

The opening one town to receive the supernumeraries of another, and the bill for instituting associations for mutual relief, may have the best effects. The placing  
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the parish-officer in a more clear and responsible point of view, and under stronger influences than at present either restrict or actuate his conduct, may be rendered compatible with the spirit and with the letter of the existing laws, and prove of further good consequence. Calling back the overseer to an immediate exercise of his function, he may further aid the primary views of manufacture and trade, in towns and other places where industry must be directed to those resources of independent competency.

In a previous section of this essay, I have adverted to the causes, why the very salutary provisions of the act, 43 Eliz. have hitherto been so partially carried into execution, or rather have been so generally disregarded.

To give the principles of that statute effect, hath been the object in all those very extensive schemes which speculative men have submitted of late to public con-

sideration. Agreeing with those who have adopted the principle of " setting the poor " to work by provision of convenient stock " of flax, hemp, wool, thread, iron, and " other necessary ware or stuff," — I have rejected the means proposed for its execution. They have appeared to me dangerous from the extent of innovation pressing in many points on the very constitution of state. They have appeared difficult, if not impracticable, from the opposition they exhibit to old practices of law, habits of the community, and tempers of men ; which are not suddenly to be diverted into a new channel, but are more likely to break over the dam which is raised against them, and pursue a devious and destructive course, than to flow direct and placid in the line marked out for them.

The means have further appeared wholly incompetent to effectuate even the kind or degree of reform which are held forth.

To alter or to create offices, distinctions, and names, and to extend or complicate a system of regulation, may be a work of ingenuity, but is of little use, unless the agents are brought under some strong controul, and under a forcible impulse, in the one case restricting from what is wrong, in the other directing an active and honest interposition of duty.

On a political survey and consideration of the minds of men, *self-interest* is the material on which impulse and controul can best work, and on which legislative wisdom should place its chief dependance.

A recurrence to a sense of honour and duty, or, in other words, to the prejudices and passions of men, hath, in some cases, been chosen by great statesmen : but then too self-interest is implied, whilst the penalties of disgrace, and rewards of praise, lay in the disposition of the community, and have their force and effect, accordingly as the rank of the agent admits of degrada-

tion, or his attachments to society give importance to their decision.

Such resort is peculiarly adapted to certain descriptions of men, but is weak and inadequate when applied to the generality : for the very sentiments it hath to work upon lose their force and character in losing their distinction and relative pretensions.

In regulating the agency of the numerous clasfs who must necessarily superintend the poor, our proper resort is to immediate and personal self-interest under common acceptation of the term.

On the points now in discussion, this is the efficient principle wanting in the act of the 43d Eliz. for provision of raw materials, and setting the poor to work.—In the 13th and 14th William and Mary, cap. II. for keeping register, and making returns of the poor in charge on the parochial rates. And in the apprentice acts, 43d of Eliz.; 8 & 9 William III. cap. 30;

and 20 Geo. III. cap. 36. the principle adverted to may, in relation to all these acts, be introduced, by a provision of statute, homogeneous, safe, practicable, and efficacious.

The sense of self-interest is actuated by hopes and fears, the expectations of reward, and the apprehensions of punishment.

The office of overseer is little suited to a system of bounties. The private station and parochial function are often too nearly allied for us not to dread the perversion of gratuity. Too many jobbs, and misapplications of money, already occur in consideration of the disbursement of parish-taxes.

On the other hand, penalties should be imposed sparingly, and with a discretionary reserve in adjudication, when the official situation of the public agent is not left to his choice or refusal; and when thus pressed into employ, his requisite qualifications for office neither comprise capacity of mind  
natural

natural or acquired. Some concession must be made to imbecillity, some to ignorance.

I should propose that penalties in a certain degree, within the discretion of the magistrates of the district, should be imposed on all overseers who do not at the Easter petty sessions, and again at the Michaelmas petty sessions, held for appointing surveyors of the Roads, give in a return of tools, implements, and raw materials, for setting the poor to work within their respective parishes ; and likewise give in a list of the poor receiving casual and constant relief, noting their sex and several ages, and distinctions of widowhood, and of children orphan or forsaken, and the proportion of relief received by each, in separate columns.

I should further propose, that the justices of the peace have authority to direct the purchase of tools, implements, and raw materials, under certain limitations ; and to order the apprenticing youth of a competent

petent age, according to provisions of statutes relating thereto ; and that, on neglect of overseers in obeying the said injunctions, they be subjected to a further penalty within certain limits discretionary, on adjudication of the said justices.

## S E C T I O N VI.

If, adverting to the first clause in the proposed plan, it should be apprehended that the opening it gives to internal migration may encrease vagrancy; I obviate the objection, not merely by declaring the several vagrant acts in force; but by inserting a few words in amendment of the 12th sect. of 17 G. II. cap. 5. which I think may operate strongly in diminution of *Vagrancy*.

By the 12th section of the vagrant act justices are empowered to direct the search of vagrants and their bundles, and to distrain on what they possess, for the purpose of defraying the charge of their pass to their respective homes.

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Were it made necessary that a certificate of such search, and eventually of the distrein, having been made, should be annexed to the pass, ere it should be allowed by the county-treasurer ; that clause, at present wholly disregarded, would be rendered effectual.

We should then no longer see the numerous trampers, as they are termed, making annually their tour of England and Wales, with a carriage found by the publick, and six pence *per diem* for maintenance.

We should then no longer have paupers rob their way from some distant province, and then be conveyed together with their spoils, rich and jovial, at the expence of the very country they have infested, and to any other place they may prefer occasionally, and to which a perjury is the easy passport.

The sitting alderman and city marshal may be apprized how many needlessly beg within their district, purposelly to be taken up and passed to some distant province. Between the 11th of July and Christmas, I backed the passes of one hundred and twenty-seven vagrants, from London and Westminster, on the Colnbrook road, besides what fell within the cognizance of other magistrates in that district.

The thus enforcing the 12th section of 17 G. II. would not only prove the strongest check to vagrancy, but operate as a provision of police, and as a search-warrant on those who ever must be objects of suspicion.

The fruits of depredation would often appear, and lead to discoveries important to the public security and justice.

Without further inference from my proposal, it would surely be no small advantage to the public to deter vagrants from  
grand

grand or petty larceny, by holding out means of detection.

They may not be so prone to steal, when their first apprehension as vagrants may lead to a commitment as robbers: nor will they be so prone to vagrancy, when assured that it will be at their own charge and expense.

## S E C T I O N VII.

I HAVE a single other provision of statute now to suggest, and then shall arrange, and bring into one point of view, those heads of bill which I have cursorily adduced. This last provision is suggested by Dr. Burn, p. 214 of his Essay on the Poor Laws, and consists in the appointment of an overseer of the hundred, with competent salary. The ill-execution of our poor laws is what that learned and experienced magistrate most earnestly complains of. And whatever the laws may be, I fear that the same ground of complaint will ever exist, unless we can advance stronger motives of interest or of necessity for the better execution of the laws. Acts of regulation may repeatedly be adopted by the legislature; but as no vote of the Parliament can immediately alter the dispositions

tions of men, and provide a disinterested zeal and integrity, we must be content with the spirit of zeal and integrity, which is not disinterested, but which is roused by a sense of reward, and sustained by fears of deprivation.

The proper place for such spirit of office to remove and act in, is intermediate to the justice of peace, and the parish officer.

An overseer of the hundred, employed as superintendant to the overseers of the parishes within his district, holding his office "*quamdiu se bene gerit*," and paid a certain small salary at discretion of the justices in their quarter sessions assembled, with certain additional perquisites from each parish proportionally as the rates in such parish respectively shall be retrograde, and on the decrease \*, may have singular good effect, as Dr. Burn expresses it, "in giving our present system its full force,

\* i. e. £.5 *per cent.* on the decrease, from a certain period from a given rate.

" and in affording our present poor laws a  
" fair trial."

The duties and powers of such officer should extend to a superintendance of all the duties and powers of the respective parish officers. I would not give any authority to the superintendant, but such as is merely directory in aid of the existing laws, and is necessary to the discovery of abuses and to the authenticating complaint.

He should have means of examining accounts, enquiring into management, and inspecting poor-houses. And he should make quarterly or even monthly returns of the result of his supervisorship to the justices of the district, by them to be signed, and then to be referred to the quarter sessions, at which the overseer of the hundred should attend.

It would be improper in the first instance to allow such officer any power or authority, further than to enforce the duties

ties of the overseers as prescribed by law ; and on default in which, his representations of the negligence or perversion of office are to be made to two justices, who under actual provisions of statute have sufficient means of punishment.

Further interference would strike at the whole system of vestries, and spread confusion and dissatisfaction throughout the country ; amendment, not alteration, is my object.

In order to attract respect to the office proposed, I would give such weight to notices of default issuing therefrom, that if, such notice having been delivered in writing, the neglect or malpractice complained of was persevered in, the overseer offending should forfeit double the sum annexed by the present laws to such neglect or malpractice, the moiety in addition of the penalty to be paid to the superintendant overseer, and who lays the information.

H E A D S

O F T H E

F I R S T B I L L.

**A** BILL for the preventing vexatious removals of persons having visible means of livelihood, and for the better regulating the poor of this kingdom.

Clause.

- A. To prevent removals of persons having visible means of livelihood, and not being actually chargeable to the parish wherein they shall be resident. With provision for ascertaining their parish and place of settlement in order for indemnification, in case that such persons become actually chargeable.

Clause.

- B. To render the parish being the place of settlement liable to expences and charge in case of persons falling sick or dying, or otherwise coming in charge on the parish where they may be resident. The charge to be allowed before, and by two justices.
- C. Exception to render women pregnant with bastard-children liable to removal, any time *within six months* after being pregnant, *or rather* Clause to settle bastard-children with the mother.
- D. To repeal so much of the 9th G. l. cap. 7. as admits farming the "maintenance and employment" of the poor.
- E. Overseers to make specific returns of raw materials, tools, and implements, for setting the poor to work,

Clause.

and of the poor receiving relief, noting sex and age, &c. at the Easter, and at the Michaelmas petty sessions, under certain penalties.

F. Magistrates receiving returns of raw materials, and of poor receiving relief, to have power of directing purchase of raw materials, tools, and implements, and of directing the apprenticing of youth under provisions of statutes applying thereto, and the overseers to obey the said injunctions under certain penalties.

G. To amend the 12th sect. of 17. G. II. cap. 5. so as to make a certificate of the search of vagrants bundles, and eventually of distrein, necessary to warrant the county treasurer to defray the charge of their palls.

H. To appoint an overseer of the hundred through nomination of justices in

Clause.

in quarter sessions, to allow a salary, and to specify his duties and powers.

I. Clause to allow appeal, &c. to quarter sessions on all adjudications of justices in pursuance of this act.

K. Clause to render it a public act.

## H E A D S

O F T H E

## SECOND or COLLATERAL BILL, being

**A** BILL for the establishing, incorporating, and well ordering of certain voluntary associations for purpose of mutual relief in cases of sickness and other calamity.

## Clause.

- A. To give legal establishment to such clubs, and friendly societies for mutual relief, as shall comply with the terms of this act. And to allow them to enact bye-laws, under superintendance and with approbation of justices of the peace.

B. &amp; C.

Clause.

B. & C. Clauses providing in cases of alteration or amendment of bye-laws, the same to be certified and approved by two justices. And bye-laws so certified and approved to be in force on associators.

D. Clause of disfranchisement in case of entry of bye laws, not having been certified and approved in manner abovementioned.

E. Duplicate of roll of bye-laws, together with list of associators, specifying the trade and circumstances of each, to be lodged in the parish vestry. Persons not in the said list not to derive benefits under this act.

F. Clauses for providing effectual entry of new bye-laws, and of additional

Clause.

ditional associators on the said roll and lists.

G. Clause enforcing annual return from the several vestries respectively of the code of bye-laws of association within each parish, and of names, of associators of the clerk of the peace.

H. For production of accounts of the said society at Easter petty sessions, by treasurer or trustees.

I. Magistrates to approve of the nomination and appointment of treasurers or trustees of societies annually, at their Easter petty sessions.

K. Clause to admit of summary award of all sums, under £. 3, by two justices, on litigation between society and members thereof.

L.

**Clause.**

**L. Clause of incorporation.**

**M. To prevent more than one society being established in any one parish, with exception of parishes and townships of —**

**N. Clause to exonerate associators married, and having a child, from personal statute labour.**

**O. Clause to exonerate associators being married, and having a child, from poor-rates, being in possession of, or renting one only tenement of, or under, three pounds *per annum.***

**P. Clause to prevent the relief received under terms of association, being deemed alms, so as to affect the right of voting for members to serve in Parliament.**

**Q.**

Clause.

Q. Clause declaring all other provisions of statute for the preventing conspiracies to encrease the price of wages in force with respect to societies, and to enact further provisions for the preventing combinations for like purpose within such societies.

R. Clause providing for dissolution of societies in sundry cases, by mutual consent of associators and approbation of justices, and on due notice given ; under which circumstances of dissolution, the residue of stock, or funds (if any) to be paid over to the overseers, and to be applied in aid of the ordinary parochial rates.

S. Clause of appeal to quarter sessions on all adjudication of justices under this act.

T. Clause, that it be a public act.

POST.

## P O S T S C R I P T.

AT this particular crisis, when other schemes for the better regulation of the poor have so lately been submitted to your consideration, the novelty of the present plan seemed to require the previous explanation of the grounds on which it hath been framed. Should the arguments seem to carry conviction, and the proposal generally to meet with encouragement, it is intended to move for leave to bring in the above two bills in the course of the present session ; when your support and assistance in perfecting them, so as to coincide with your own ideas in particular, and those of the country in general, is earnestly solicited.

In order to obviate premature strictures on the above plan, as being too confined and incomplete; I should further observe, that if the principles of *revision* and *amendment*

ment applied in the above Essay to a reform of the laws respecting the *able poor* meet with approbation ; it is intended to take future occasion of proposing analogous reform in the *Bastard* laws, in those respecting *mendicants*, in those relative to the *impotent, aged, and infirm*, and generally in the laws of police as far as they are implicated in the subject of *Regulation of the Poor.*

F I N I S.











